

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

*In re* Navidea Biopharmaceuticals Litigation

Case No. 1:19-cv-01578-VEC

**[PROPOSED] ORDER DENYING  
PLAINTIFF/COUNTERCLAIM  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

**THIS MATTER** having come before the Court on the motion of Plaintiff/Counterclaim Navidea Biopharmaceuticals and Third-Party Defendant Macrophage Therapeutics, for an Order granting Plaintiff and Third-Party Defendant's Motion for Summary Judgment, and the Court having considered the submissions of the parties and arguments of counsel, if any, and for good cause shown;

**IT IS** on this \_\_\_\_ day of \_\_\_\_\_, 2023

**ORDERED** that Plaintiff/Counterclaim Defendant's Motion for Summary Judgment be, and hereby is, **DENIED** in its entirety.

Date: \_\_\_\_\_, 202\_\_  
New York, New York

\_\_\_\_\_  
**Hon. Valerie E. Caproni**  
United States District Judge